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July 6, 2016

BY CERTIFIED MAIL-RRR 7016-0910-0000-4423-5237

Chambers of the Honorable Paul G. Gardephe

United States District Judge

Southern District of New York

40 Foley Square

New York, NY 10007

Re: Walton v. Officer Lee, et al., 15 Civ. 3080 (PGG)

Your Honor:

Please be advised that our firm represents defendant Carlos Meletiche, MD in the above referenced matter.

This correspondence is being sent in response to plaintiff's letter dated June 29, 2016 requesting a protective order limiting the scope of plaintiff's continued deposition pursuant to F.R.C.P. 30(d). Plaintiff's deposition was started on June 16, 2016 but was not completed on that date after 3 ½ hours of questioning to accommodate plaintiff's request to continue on a mutually convenient date. Although plaintiff's letter characterized the deposition as "double teaming" our office has yet to ask a single question to the plaintiff during the first part of plaintiff's deposition. As such, plaintiff has clearly mischaracterized the deposition proceedings in this matter and offers no legal basis to support his request for a protective order.

It is our position that plaintiff be ordered to return for a further deposition by a date certain in order to avoid dismissal of his case for failure to participate in discovery. It is also our position that the questions asked by counsel for the co-defendants were entirely proper and in good faith and that our office have a full opportunity to examine plaintiff at the continued deposition without restriction as there has been no showing by plaintiff of any improper conduct at the deposition to warrant a protective order.

As for plaintiff's request for legal counsel, our office will agree to a short adjournment of the continued deposition of the plaintiff which has been noticed for July 8, 2016 and will defer to the Court in plaintiff's request for counsel and in re-scheduling the deposition as the discovery close date is scheduled for July 20, 2016.

If you have any questions or wish to discuss further please contact me at the number above.

Respectfully submitted,

Abrams, Fensterman, et al.

Attorneys for Defendant

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By: 

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